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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,752	02/01/2002	Kouji Minami	S004-4641	2452

7590

10/09/2003

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EXAMINER

ROSE, ROBERT A

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 10/09/2003

*Handwritten signature/initials*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/062,752

Applicant(s)  
Minami et al

Examiner  
Robert Rose

Art Unit  
3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 1, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Applicants are advised to keep current the status of their Japanese application, 2002-010775, filed January 18, 2001.
2. Claims 1-15 are presented for examination.
3. Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2, line 4 the phrase "the rotation shaft" is without proper antecedent basis, as only a "rotating shaft" was previously recited. The scope of the claim remains unclear since it is not clear whether subject matter was inadvertently omitted from the claim, or whether the "rotation shaft" was intended to reference the previously recited "rotating shaft".
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claim 14 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Maack(US 5184433). Maack discloses a method of polishing an end face utilizing an x-y table comprising all of the subject matter of claim 14.

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6. Claims 1, 7, and 15 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Minami et al(US 6471570). Minami et al disclose an end face polishing device and method of polishing end faces comprising all of the subject matter set forth in applicant's claims above. A polishing sheet is driven in a roulette motion moving while rotating on a circumference parallel to the end face of a bar member, while the end face of the bar member is applied by a pressing unit to the polishing sheet.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami et al. The patterns obtained for the motion of the polishing table are dependent upon the relative radii chosen for the eccentrics, such selection being regarded as an obvious matter of design choice to those of ordinary skill in the art.

9. Claims 2-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawada and Mueller are cited to show prior art orbital drive arrangements for an end face polishing machine utilizing independent drive means for delivering power to the rotating shaft and to the orbital rotation shaft. Honda is cited of interest to show an end face polishing

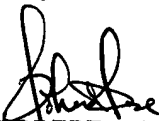
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drive mechanism comprising rotating shaft(24); orbital rotation shaft(26); drive means(38)(46); first gear(40); and second gear(42). The rotating shaft rotates in accompaniment with the rotation of the orbital rotation shaft due to the drive means, and the rotation shaft rotates due to the meshing of the first and second gear. Note that the workholder and grinder may be interchanged(column 6, lines 63-67). Habenicht is cited to show a polishing device comprising rotating shaft(34); orbital rotation shaft(46); drive means(8)(16)(20)(18); gears(26)(22), and belt(20) and pulley(18) coupled to a train of gears to drive the orbital rotation shaft. Grimsby et al, and Nishio et al are cited of interest to show a planetary drive mechanism comprising a single drive means for driving both the rotating shaft and the orbital rotation shaft.

11. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

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September 15, 2003.

  
ROBERT A. ROSE  
PRIMARY EXAMINER  
ART UNIT 323